

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

RULES ON CHANGES AND CORRECTIONS TO
THE MAIL CLASSIFICATION SCHEDULE

Docket No. RM2015-6

INITIAL COMMENTS OF THE UNITED STATES POSTAL SERVICE
(December 24, 2014)

The United States Postal Service hereby submits its initial comments on the proposed amendments to the rules governing Postal Regulatory Commission review of changes and corrections to the Mail Classification Schedule (MCS) under 39 C.F.R. part 3020, subpart E.¹

The Postal Service views the proposed amendments as potentially beneficial in several respects. The proposed amendments eliminate ambiguity surrounding the distinction between minor MCS corrections, on the one hand, and changes of a more substantial nature that do not rise to the level of an MCS product change, on the other. The summary of the historical application of current subpart E in the Commission's rulemaking notice reveals how amendments to the rules contained therein could improve the review process for all stakeholders. By all appearances, the proposed amendments should provide useful guidance to postal management in the future as it evaluates potential classification changes and determines the appropriate rules to use.

¹ Docket No. RM2015-6, PRC Order No. 2250, Notice and Order of Proposed Rulemaking On Changes And Corrections To The Mail Classification Schedule (November 14, 2014), (hereinafter, Notice of Proposed Rulemaking). The Order establishes a 30-day deadline for the filing of comments after publication of the proposed rules in the Federal Register, which occurred on November 24, 2014. See 79 *Federal Register* 69781.

The Notice of Proposed Rulemaking identifies specific information for the Postal Service to provide in support of its requests for MCS changes and corrections. Generally speaking, the requirements do not seem unduly burdensome. Their fulfillment should improve the Commission's substantive review process and aid considerably in keeping such review as expeditious as possible. However, as discussed below, the Postal Service has identified one proposed rule that could benefit from further consideration.

The Postal Service's concern centers on proposed rule 3020.81(c). In support of requests for review of MCS product description changes, it would require the Postal Service to:

[d]escribe the impact that the changes will have on users of the product and on competitors.

This proposal stands in stark contrast to the seemingly less strenuous requirements in subparts (g) and (h) of rules 3020.31, 3020.52 and 3020.72, all of which apply to proposals for MCS modifications. The above-referenced subparts (g) require proponents of MCS modifications to merely provide "any information available on the views of those who use the product on the appropriateness of the proposed modification." Similarly, the above-referenced subparts (h) require proponents of MCS modifications only to provide a "description of the likely impact of the proposed modification on small business concerns . . . [.]". In circumstances where the MCS change is, by definition, more substantial, the Postal Service is not required to satisfy the proposed rule 3020.81(c) burden of describing the impact that a proposed modification *will* have; it is only required to provide information describing the *likely*

impact of the modification. Thus, as currently drafted, proposed rule 3020.81(c) appears to impose a higher burden for less significant MCS changes.

Using the above-referenced subparts (g) and (h) as a guide, the Postal Service proposes that rule 3020.81(c) require only that it:

Provide any available information that describes the likely impact of the changes on users of the product and on competitors.

This substitute wording seeks to establish the same standard for substantive information production for MCS changes as currently applies to MCS modifications.

The Postal Service appreciates the opportunity to advise the Commission in this rulemaking.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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December 24, 2014